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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Friday - 29 November 1974

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1. [redacted] Called Dick Kennedy, White House staff, and told him that in discussing the amendments to the Foreign Assistance Act limiting intelligence activities with him, the Director had raised the question of his sending a letter to the President on this subject. I asked Kennedy whether he thought such a letter was necessary or needed. He said he thought it was not needed since he had written a note to the President on the subject and he felt the White House was "seized with the problem." He did suggest that I contact Under Secretary of State Carl Maw to discuss this with him. The Director was advised of Kennedy's recommendation and no letter is being sent.

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2. [redacted] Tried to reach Under Secretary of State Carl Maw regarding the provisions in the foreign assistance act on intelligence activities. In his absence I talked to Jim Michael who is doing the leg work on the bill. I told Michael of my conversation with Dick Kennedy, White House staff, on the provisions in question and of his concern and ours that there were certain possible constitutional and policy issues that needed to be resolved. I confirmed that there was agreement between Secretary Kissinger and Director Colby and with the leadership of the House Committees concerned regarding briefings on covert activities having an impact on foreign policy but I pointed out that the Hughes and Ryan amendments carried this agreement considerably further and we had reservations as to whether they did not constitute an impairment of Presidential prerogatives. I said we had referred the latter issue to Justice but haven't really gotten a final resolution. I said we had, of course, brought these issues to the attention of OMB and themselves. Michael acknowledged that his emphasis and priority on the bill had been with respect to the substantive foreign assistance provisions figuring the other aspects were "manageable." Michael suggested one solution to the problem would be to have the President sign the bill but with reservations with respect to this section, reaffirming his Presidential prerogatives. I said this wasn't a problem for me to resolve but would perhaps this would be an acceptable solution to the White House.

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4. [REDACTED] Called Jim Michael, State, and got the version of the Hughes amendment to S. 3394, Foreign Assistance Act amendments, as agreed to by the Senate Foreign Relations Committee. The version picks up the change we suggested in our letter to Jim Frey, OMB.

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[REDACTED]
GEORGE L. CARY
Legislative Counsel

cc:

O/DDCI

Ex. Sec.

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[REDACTED]

Mr. Thuermel

Mr. Warner Mr. Lehman

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[REDACTED] EA/DDO

DDI DDA DDS&T

Comptroller